

414 Rec'd PCT/PTO 22 SEP 2000

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Mark Jacob Ebling et al.
Filed : April 7, 2000
For : SYSTEM FOR FORMATTING AND PROCESSING
MULTIMEDIA PROGRAM DATA AND PROGRAM GUIDE
INFORMATION
Serial No. : 09/529,184
Pct No. : PCT/US98/21556
International Filing Date: 13 October 1998
Priority Date : 14 October 1997

5C10

RENEWED PETITION UNDER 37 C.F.R. 1.47(a)
ONE INVENTOR NOT AVAILABLE

Hon. Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231
Attn.: International Division, Legal Staff

Sir:

RECEIVED

24 OCT 2000

Legal Staff
International Division

Applicants hereby renew their petition in the United States Patent and Trademark Office under 37 C.F.R. 1.47(a) to accept the above-identified national stage application without an executed Declaration from one of the six named Inventors.

In the decision dismissing the Original Petition under 37 C.F.R. 1.47(a), it was stated that a more detailed discussion of the search for the missing inventor, Mr. Mehmet Kemal Ozkan, including affidavits or declarations from a person with firsthand knowledge of the attempts to reach the inventor and any supporting evidence, is required. All other requirements for granting of the petition have already been met, i.e. payment of the petition fee under 37 C.F.R. 1.17(i), statement of the last known address of the inventor, and a declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor.

In support of this renewed petition, Applicants have attached a Declaration (Exhibit A) executed by Ms. Davida Fornarotto, Paralegal Administrative Assistant,

Thomson multimedia Licensing Inc. Ms. Fornarotto is entrusted with handling PCT Applications for Thomson multimedia Licensing Inc. and obtaining signatures from Inventors on all necessary documents.

As required by 37 C.F.R. 1.47(b) and MPEP section 409.03(b)(C) Exhibit A is submitted as proof that diligent effort was made to locate the Inventor and the Inventor could not be found. The efforts of Ms. Fornarotto to locate the inventor are stated in the Declaration and occurred as follows:

On November 12, 1999, a letter was sent by courier to the last known address of the Inventor. The letter was sent via DHL airway bill # 7786866555 and included a copy of the application along with a PCT Assignment to Thomson Consumer Electronics Inc. and Power of Attorney, for signature by the Inventor for filing in the United States. A copy of DHL airway bill # 7786866555 is attached as Exhibit B. A copy of the letter sent to Mr. Ozkan is attached as Exhibit C. DHL advised Ms. Fornarotto that Mr. Ozkan could not be located and returned the entire envelope to Ms. Fornarotto on November 18, 1999. A copy of a letter from DHL attesting to their efforts to locate Mr. Ozkan is attached as Exhibit D.

On November 22, 1999, Ms. Fornarotto sent an e-mail to Mr. William Lagoni, Intellectual Property Administrator at the main office for Thomson multimedia Licensing Inc. in Indianapolis. Mr. Lagoni is the liaison between the Intellectual Property Legal Office in Princeton, N.J. and the main office in Indianapolis, aiding our office in locating past and present employees. This e-mail requested a last known address for Mr. Ozkan. On November 22, 1999, Mr. Lagoni responded via e-mail including the last known address and contact information for Mr. Ozkan. Mr. Lagoni also stated that the e-mail address had worked the last time he tried it and suggested that Ms. Fornarotto e-mail Mr. Ozkan. Ms. Fornarotto sent an e-mail to Mr. Ozkan using the supplied e-mail address on November 22, 1999 requesting an updated address to which the copy of the application along with a PCT Assignment to Thomson Consumer Electronics Inc. and Power of Attorney could be sent. A copy of these e-mails are attached as Exhibit E. No response to this e-mail was received and, as of the date of this renewed petition, a response has still not been received.

On December 1, 1999 Mr. Lagoni e-mailed Ms. Fornarotto asking if a response was received from Mr. Ozkan. Ms. Fornarotto responded that no response was received and asking what further could be done to reach Mr. Ozkan (see Exhibit D).

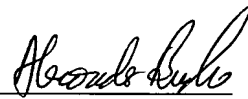
On December 3, 1999, Ms. Fornarotto wrote to Mr. Lagoni a second time informing him that no response was received from Mr. Ozkan. Mr. Lagoni responded in a return e-mail dated December 4, 1999 informing Ms. Fornarotto that he also sent an e-mail to Mr. Ozkan and had not received a reply. A copy of this e-mail is attached to the declaration as Exhibit G.

On December 7, 1999, Mr. Lagoni indicated to Ms. Fornarotto that he had sent two e-mails to Mr. Ozkan, each of which had been returned as undeliverable. Ms. Fornarotto responded by mentioning a discussion with her supervisor in which it was decided that a petition under 37 C.F.R. 1.47(a) should be filed discussing the present situation. A copy of this e-mail is attached to the declaration as Exhibit H.

In view of the above remarks and attached exhibits and Declaration, Applicants respectfully submit that diligent effort has been made to locate the Inventor and to have Mr. Ozkan execute the Declaration. It is thus, respectfully submitted that this renewed Petition be granted and the national stage of the present application be accepted without the signature of Mr. Ozkan.

No additional fee is believed due. However, if an additional fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

By: 
Alexander J. Burke
Reg. No. 40,425
(609) 734-9503

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312,
Princeton, NJ 08543-5312
September 22, 2000

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Jacob Ebling et al.
Filed : April 7, 2000
For : SYSTEM FOR FORMATTING AND PROCESSING
MULTIMEDIA PROGRAM DATA AND PROGRAM GUIDE
INFORMATION
Serial No. : 09/529,184
Pct No. : PCT/US98/21556
International Filing Date: 13 October 1998
Priority Date : 14 October 1997

RULE 1.131 DECLARATION OF DAVIDA FORNAROTTO

I, Davida Fornarotto, declare as follows:

1. I am currently employed by Thomson multimedia Licensing, Inc., assignee of the above-captioned United States Patent Application;
2. I am responsible for filing and maintaining a docket for all PCT applications for Thomson multimedia Licensing, Inc. These duties include obtaining signatures from inventors on Declarations, Assignments and Powers of Attorney;
3. On November 12, 1999, a letter was sent by courier to the last known address of the Inventor. The letter was sent via DHL airway bill # 7786866555 and included a copy of the application along with a PCT Assignment to Thomson Consumer Electronics Inc. and Power of Attorney, for signature by the Inventor, Mr. Mehmet Kemal Ozkan, for filing in the United States. DHL advised me that Mr. Ozkan could not be located and returned the complete envelope to Ms. Fornarotto on November 18, 1999;
4. On November 22, 1999, I sent an e-mail to Mr. William Lagoni, Intellectual Property Administrator at the main office for Thomson multimedia Licensing Inc. in Indianapolis. This e-mail requested a last known address for Mr. Ozkan;
5. On November 22, 1999, I received a reply from Mr. Lagoni including a last known address for Mr. Ozkan as well as additional contact information. Mr. Lagoni also suggested that I e-mail Mr. Ozkan in this reply;
6. Also on November 22, 1999, I sent an e-mail to Mr. Ozkan requesting an updated address to which the copy of the application along with a PCT Assignment and Power of Attorney could be sent;

7. I have not received a response to this e-mail and, as of the date of this renewed petition, I have still not received a response;

8. On December 3, 1999, I wrote another e-mail to Mr. Lagoni informing him that no response was received from Mr. Ozkan;

9. I received a response from Mr. Lagoni by return e-mail informing me that he also sent an e-mail to Mr. Ozkan and had not received a reply;.

10. On December 7, 1999, I received an e-mail from Mr. Lagoni stating he had sent two e-mails to Mr. Ozkan, each of which had been returned as undeliverable;

11. I responded to Mr. Lagoni indicating that, upon discussing the situation with Mr. Irwin Krittman, we had decided to file a Petition under 37 C.F.R. 1.47(a);

12. On April 6, 2000, a letter was received from DHL confirming their attempts to reach Mr. Ozkan and the difficulties encountered;

13. All statements made herein to my knowledge are true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful statements may jeopardize the validity of the Application or any patent issued thereon.

September 22, 2000

Date

Davida Fornarotto

Davida Fornarotto

EXHIBIT B

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EXHIBIT C

SON multimedia
Licensing Inc.

2 Independence Way
P.O. Box 5312
Princeton, NJ 08543-5312
U.S.A.

tel (609) 734-9597
fax (609) 734-9700
Fornarotto@tce.com

November 12, 1999

VIA COURIER

Mr. Mehmet Kemal Ozkan
Savasci Sok. Bozokatt 19/1
Avcilar 34840
Istanbul, Turkey

Re: RCA 88707, RCA 88915, RCA 88916 and RCA 88917
Forms To Be Signed

Dear Mr. Ozkan:

Enclosed please find several forms, for the above applications, which require your signature for use in filing foreign applications.

Before you sign these forms for these cases, please look over the attached copy of each of the applications. These are the applications as filed via the PCT.

Please sign and date these forms with your **FULL NAME** where indicated, as per the post-it notes attached.

NO NOTARIZATION is required on any of these forms.

Please make any corrections to your address directly on the forms and place your initials next to the corrections.

Please return these forms via the quickest way that is easy for you. If you incur any costs, please let me know and we will be happy to reimburse you.

If you have any questions, please do not hesitate to contact me at 609-734-9597. Thank you for your help in this matter.

Very truly yours,

David Fornarotto

Ms. David Fornarotto
df
Enc.

EXHIBIT D

EXHIBIT E

Lagoni Bill
RE: Mehmet Ozkan

No. I sent an e-mail to him on November 22nd and have not heard from him.

Thank you for checking on me. I was going to contact you today to see what I can do now. I don't want to send the forms to him unless I hear from him first.

The date that the cases have to be filed by is January 10, 2000. I am sending the cases out now and the forms will have to follow.

Thanks

Davida:

-----Original Message-----

From: Lagoni Bill
Sent: Wednesday, December 01, 1999 8:51 AM
To: Fornarotto Davida (Princeton)
Subject: RE: Mehmet Ozkan

Were you successful?

-----Original Message-----

From: Lagoni Bill
Sent: Monday, November 22, 1999 3:37 PM
To: Fornarotto Davida (Princeton)
Subject: FW: Mehmet Ozkan

Davida:

This e-mail worked successfully shortly after the first earthquake, so hopefully is still good. Note the attached includes his e-mail address, business address and business phone.

WAL

-----Original Message-----

From: Hall Susan (Tech Library Indy)
Sent: Monday, November 22, 1999 3:31 PM
To: Lagoni Bill
Subject: FW: Mehmet Ozkan

<< File: Mehmet Ozkan.vcf >>

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Mehmet Ozkan
Ozkan
Mehmet

2 In...
...
...

Business Address:

Ortaklar Caddesi No: 17
Mecidiyekoy 80290
Istanbul-Turkey

Business:
Business 2:
Business Fax:

(+90-212) 215 51 11
(+90-212) 215 51 63
(+90-212) 215 51 72

E-mail:

mehmet.ozkan@kanald.com.tr

EXHIBIT F

mehmet.ozkan@kanald.com.tr
Forms to be Signed
Mehmet

November 22, 1999

Dear Mr. Ozkan:

I have some forms that require your signature.

Would you please advise me, BY RETURN E-MAIL, whether the following address is your correct, present address and if I can mail the forms to you there.

Ortaklar Caddesi No.: 17
Mecidiyekoy 80290
Istanbul, Turkey

My e-mail is: fomarottod@tce.com

Thank you for your help.

Ms. Davida Fomarotto

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EXHIBIT G

Subject: Lagoni Bill
Saturday, December 04, 1999 1:37 PM
Fornarotto Davida (Princeton)
RE: Mehmet Ozkan

I don't know. I sent a message to the e-mail address I gave you and marked it for confirmation of receipt and confirmation of being read, and got no response from either. I don't have any other ideas.

WAL

-----Original Message-----

From: Fornarotto Davida (Princeton)
Sent: Friday, December 03, 1999 4:57 PM
To: Lagoni Bill
Subject: Mehmet Ozkan

December 3, 1999

still have not heard from Mr. Ozkan. What can I do now?

Davida

6

Lagoni Bill
Mehmet Ozkan

December 3, 1999

I still have not heard from Mr. Ozkan. What can I do now?

David

5

EXHIBIT H

ornarotto Davida (Princeton)

rom: Lagoni Bill
ant: Tuesday, December 07, 1999 4:07 PM
o: Fomarotto Davida (Princeton)
ubject: RE: Mehmet Kemal Ozkan

hanks for the information about what is involved. I twice sent e-mails to the address I gave you and marked them for onfirmation of delivery as well as being read; they have repeatedly been returned as undeliverable.

/AL

—Original Message—

om: Fomarotto Davida (Princeton)
ant: Tuesday, December 07, 1999 3:29 PM
o: Lagoni Bill
ubject: Mehmet Kemal Ozkan

December 7, 1999

urther to your response to my e-mail, I still have not heard from Mr. Ozkan.

spoke to Mr. Krittman, and we will have to file a Petition under 37C.F.R.1.47(a) in the US (and any other countries that require forms to be signed) stating the process that we used to try to find Mr. Ozkan.

hank you for your help.

lavida

can not locate

7 + 8

Lagoni Bill
Mehmet Kemal Ozkan

Subject:

December 7, 1999

Further to your response to my e-mail, I still have not heard from Mr. Ozkan.

I spoke to Mr. Krittman, and we will have to file a Petition under 37C.F.R.1.47(a) in the US (and any other countries that require forms to be signed) stating the process that we used to try to find Mr. Ozkan.

Thank you for your help.

David

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